

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14386, of Union Temple Baptist Church, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the requirements of Sub-section 7206.5 to permit stacked parking serving a church in an R-4 and C-2-A Districts at premises 1225 W Street, S.E., (Square 5791, Lots 13, 14, 16-19, 803, 805-807, 822 and 823).

Hearing Dates: January 22, March 19, and April 2, 1986
Decision Dates: May 7, 1986 and February 4, 1987

ORDER

The application was filed in the Office of the Zoning Secretariat on October 20, 1985. The application was originally scheduled for the public hearing of January 22, 1986. The Board continued the case to the public hearing of March 19, 1986 at the applicant's request. The applicant presented its case at the public hearing of March 19, 1986. Due to the lateness of the hour, the case was continued to a special public hearing on April 2, 1986 to allow the opposition to present its views. At its public meeting of May 7, 1986, the Board deferred a decision on the application pending receipt of revised plans and a memorandum from the Zoning Administration setting forth the zoning relief required based on the revised plans.

By letter dated September 10, 1986, the staff requested the applicant to be advised in writing, within ten days, the status of the application. The staff further advised the applicant that failure to respond could subject the application to dismissal for failure of prosecution. By letter dated September 23, 1986, the applicant informed staff that the church was attempting to purchase additional nearby property and requested an extension of time to negotiate the purchase and seek review by the Zoning Administrator. By telephone conversation of October 24, 1986 and letter dated October 27, 1986, the applicant's representative informed staff that the applicant was going to settlement on the purchase of a nearby lot and would submit revised plans to the Zoning Administration for review. No additional information was submitted to the record.

By letter dated January 6, 1987, staff advised the applicant that the subject case would be placed on the Board of Zoning Adjustment public meeting agenda for February 4,

1987 for determination based on the present record. No response from the applicant was received.

The Board finds that the subject application has been pending for approximately fifteen months without resolution. The Board finds that holding its calendar open for consideration of this case without further evidence is unwarranted. The Board finds that its inability to dispose of the case would adversely impact on the Board's adhering to its schedule and would inconvenience other applicants desirous of completing processing of their applications before the Board.

Upon consideration of the foregoing facts, it is ORDERED that the application is DISMISSED for failure of prosecution.

VOTE: 3-0 (Charles R. Norris, William F. McIntosh and Carrie L. Thornhill to dismiss; Paula L. Jewell not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: MAR 5 1987

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

14386order/VAN1